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Atty Dkt No. 6200-0013
PATENT

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Marilyn B. McLean
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#16/E
(100)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Feng-Jing CHEN et al.

Group Art Unit: 1614

Serial No.: 09/716,209

Examiner: Brian KWON

Filing Date: November 17, 2000

Title: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR ADMINISTRATION OF
HYDROPHOBIC DRUGS

COMMUNICATION REGARDING
INCORRECT TITLE ON THE NOTICE OF ALLOWANCE

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Communication relates to an error in the title of this patent application on the face of the Notice of Allowance, mailed on August 20, 2002. With this Communication, applicants respectfully request that the Office correct the mistake. The facts in support of this request are as follows:

This patent application was filed on November 17, 2000, with the title "Pharmaceutical Compositions and Dosage Forms for Administration of *Hydrophobic Drugs*." The Filing Receipt, mailed on March 19, 2001, correctly displayed this title and throughout the prosecution of this application, all communications from the applicants bore this title. Despite the foregoing, in the Notice of Allowance, the title of this application appeared for the first time as "Pharmaceutical Compositions and Dosage Forms for Administration of *Fenofibrate*." Applicants never authorized that the words "Hydrophobic Drugs" in the title change should be changed to "Fenofibrate"; therefore, applicants respectfully request that the Office correct this mistake. Notification from the Office that the title has been corrected is also requested.

Respectfully submitted,

By: Dianne E. Reed
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#18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Feng-Jing CHEN et al.

Group Art Unit: 1614

Serial No.: 09/716,029

Examiner: Brian KWON

Filing Date: November 17, 2000

Title: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR ADMINISTRATION
OF HYDROPHOBIC DRUGS

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Commissioner for Patents
Washington, D.C. 20231**Match and Return**

Sir:

Pursuant to 37 C.F.R. § 1.705(b), applicants respectfully request reconsideration of the patent term adjustment indicated on the Notice of Allowance, mailed on August 20, 2002. This application accompanies the payment of the issue fee, and is therefore timely filed in accordance with the Patent Rules at 37 C.F.R. § 1.705(b), and is accompanied by the fee set forth in 37 C.F.R. § 1.18(c). The facts in support of this application are as follows:

This patent application was filed on November 11, 2000, and therefore, is subject to the Patent Term Adjustment procedures set forth in 37 C.F.R. § 1.702 for applications filed on or after May 29, 2000.

The Filing Receipt was mailed from the Office on March 19, 2001, just over four months after the application was filed. Under 37 C.F.R. § 1.703(a)(1), the adjustment period for this action is 0 days.

A Restriction Requirement was mailed on May 16, 2001. Under 37 C.F.R. § 1.703(a)(1), the adjustment period for this action is 0 days.

On June 18, 2001, applicants timely responded to the Restriction Requirement and filed a preliminary amendment. Under 37 C.F.R. § 1.704(b), the adjustment period for this reply is 0 days.

On July 24, 2001, the Office mailed the first Office Action on the merits. Under 37 C.F.R. § 1.703(a)(1), the adjustment period for this action is 0 days.

Match & Return

Atty Dkt No. 6200-0013
Serial No. 09/716,209

On October 24, 2001, applicants timely filed a Reply under 37 C.F.R. § 1.111 in response to the first Office Action of July 24, 2001. Under 37 C.F.R. § 1.704(b), the adjustment period for this reply is 0 days.

On April 3, 2002, the Office mailed a second Restriction Requirement.¹ Under 37 C.F.R. § 1.703(a)(2), the Office had four months to respond to applicants October 24, 2001, Reply under 37 C.F.R. § 1.111; thus, the Restriction Requirement would have been timely if it had been mailed on or before February 24, 2002. Because the Restriction Requirement was mailed 38 days after February 24, 2002, pursuant to 37 C.F.R. § 1.703(a)(2), the adjustment period for this action is 38 days in favor of the applicants.

On May 3, 2002, applicants timely responded to the Restriction Requirement. Under 37 C.F.R. § 1.704(b), the adjustment period for this reply is 0 days.

On August 11, 2002, applicants submitted a Supplemental Amendment in response to the Examiner's express request for the same. Under 37 C.F.R. § 1.703(c)(8), the adjustment period for this action is 0 days.²

On August 20, 2002, the Notices of Allowance and Allowability were mailed from the Office. Under 37 C.F.R. § 1.705(a), the adjustment of 38 days for the Office's late mailing of the second Restriction Requirement should have been noted on the Notice of Allowance.

Because the Office failed to mail the second Restriction Requirement within four months after applicant's October 24, 2001, Reply under 37 C.F.R. § 1.111, applicants respectfully request adjustment of the patent term for this application to include the Office's 38 day delay in mailing the second Restriction Requirement of April 3, 2002.

Respectfully submitted,

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¹ Applicants note that the Restriction Requirement indicated that it was responsive to the communication filed on January 7, 2002, rather than October 24, 2001. No communication from the application was filed on January 7, 2002.

² 37 C.F.R. § 1.703(c)(8) provides that a supplemental amendment submitted in response to an Examiner's express request will not be subject to a reduction in patent term.